



City Of San Diego  
COUNCIL PRESIDENT PRO TEM JIM MADAFFER  
DISTRICT SEVEN

MEMORANDUM

M-08-11-03      Please refer to this number when responding to this memo  
DATE:              November 24, 2008  
TO:                 Council President Scott Peters  
FROM:              Council President Pro Tem Jim Madaffer *Jim Madaffer*  
SUBJECT:          Request for Supplemental Resolution for December 1 or  
December 2, 2008

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I am requesting to add a supplemental item for Council's consideration for either December 1, 2008 or December 2, 2008. This is a consent item to appropriate and transfer funds from the Tierrasanta Facilities Financing Plan to the Kiwanis Foundation of Tierrasanta to establish a youth endowment fund as prescribed in the Developer Agreement with Lusk for the development of Tierrasanta Norte. We have a sense of urgency as the community has long requested this action and I would like to complete this before leaving office.

Thank you and please contact my office with any questions you may have.

# REQUEST FOR COUNCIL ACTION

## CITY OF SAN DIEGO

1. CERTIFICATE NUM  
(FOR AUDITOR'S I) S550  
12/02  
3. DATE: 11/19/08

TO:  
City Council

2. FROM (ORIGINATING DEPARTMENT):  
Financial Management

### 4. SUBJECT:

Appropriate and transfer funds from the Tierrasanta Facilities Financing Plan to Kiwanis Foundation of Tierrasanta

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)  
Jay Goldstone, Chief Operating Officer

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)  
Leslie Webb

7. CHECK BOX IF  
REPORT TO COUNCIL  
IS ATTACHED ☐

### 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	392023	9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.		
ORGANIZATION		
OBJECT	9544	
ACCOUNT		
JOB ORDER		
C.I.P. NUMBER		
AMOUNT	341,469.40	

### 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DISTRICT 7	<i>[Signature]</i>	11/20/08	8	CFO	<i>[Signature]</i>	11/20/08
2	EOCP			9	COO	<i>[Signature]</i>	11/20/08
3	EAS			10	CITY ATTORNEY	<i>[Signature]</i>	11/21/08
4	LIAISON OFFICE	<i>[Signature]</i>	11/20/08	11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	11/24/08
5	FINANCIAL MANAGEMENT	<i>[Signature]</i>	11/20/08	DOCKET COORD: COUNCIL LIAISON:			
6	CITY COMPTROLLER	<i>[Signature]</i>	11/20/08	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: COUNCIL DATE: 12/2/08			
7	FACILITIES FINANCING	<i>[Signature]</i>	11/20/08				

### 11. PREPARATION OF:

☒ RESOLUTION(S) ☒ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1) Authorize the Mayor or his designee to negotiate and execute agreements with the Kiwanis Foundation of Tierrasanta to establish the Tierrasanta Endowment Youth Fund for the purpose of enhancing academics and athletics for the Tierrasanta Youth.

2) Authorize the City Comptroller to appropriate and expend the Tierrasanta Development Agreement fund balance for Fund 392023 "REGENCY HILLS - ENDOWMENT FOR COMMUNITY YOUTH" of \$341,469.40 to the Kiwanis Foundation of Tierrasanta once a MOU agreement has been fully executed.

3) Authorize the City Comptroller to expend \$341,000 from Fund 392023 "REGENCY HILLS - ENDOWMENT FOR COMMUNITY YOUTH" of \$341,469.40.

11A. STAFF RECOMMENDATIONS: Approve the requested actions

### 12. SPECIAL CONDITIONS:

N/A

N/A

This activity is "not" a project and is therefore not subject to CEQA pursuant to State Guidelines Section 15060(c)(3)

N/A

**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED: 11/19/08 REPORT NO:  
ATTENTION: Council President and City Council  
ORIGINATING DEPARTMENT: Financial Management  
SUBJECT: Transfer funds from the Tierrasanta Facilities Financing Plan to  
Kiwanis Foundation of Tierrasanta once MOU is finalized.  
COUNCIL DISTRICT(S): 7  
CONTACT/PHONE NUMBER:

REQUESTED ACTION: Authorize the Mayor or his designee to negotiate and execute agreements with the Kiwanis Foundation of Tierrasanta to establish the Tierrasanta Endowment Youth Fund for the purpose of enhancing academics and athletics for the Tierrasanta Youth.

STAFF RECOMMENDATION: Approve the Requested Actions

EXECUTIVE SUMMARY:

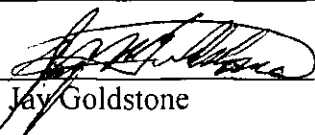
On January 9, 1989, a development agreement was entered into between the City of San Diego and Regency Hill Associates. A section entitled Extraordinary and Significant Benefits required the developer, Regency Hill Associates, to provide the City of San Diego with six separately enumerated benefits. One of those benefits was the "Endowment for Community Youth". This benefit committed Regency Hill Associates to pay \$150,000 to the City in three installments. The funds were "to be used for the benefit of current and future youth of the Community. The funds shall be used by City in the Tierrasanta Community to enhance academics and athletics." These funds have been maintained by the City's Facilities Financing Department and are currently itemized in the Tierrasanta Public Facilities Financing Plan, No. 39023 D.A. Section 6.1(b)(4). The principal and accrued earnings as of Fiscal Year 2009 Period 3 (9-9-08) the fund balance totals \$341,469.40. This action will implement the purpose of the established endowment by authorizing the Mayor to negotiate and execute agreements between the City of San Diego and the Kiwanis Foundation of Tierrasanta (hereafter Foundation), an Internal Revenue Code section 501(c)(3) approved charitable organization. The MOU will transfer the current principal and earnings of the fund (392023) to the Foundation with a right of reversion to the City. The Foundation will provide regular audit reports to the City and establish the Tierrasanta Fund for Community Youth, an advised restricted endowment fund that will be maintained, invested and distributed in manner as specified by the MOU and based on recommendations by a Tierrasanta Community based Advisory Committee established under the MOU.

FISCAL CONSIDERATIONS: The fund balance for the Tierrasanta Development Agreement Fund 392023 (Regency Hills – Endowment for Community Youth) was \$341,469.40 will be transferred from the City of San Diego to the Kiwanis Foundation of Tierrasanta.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Not applicable.

  
Jay Goldstone

11-21-08  
Date

The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2900411  
ORIGINATING  
DEPT. NO.: 446

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$341,469.40 Fund: 392023

Purpose: To authorize the expenditure of funds from Regency Hills Endowment for Community Youth of Tierrasanta for the purpose of enhancing academics and athletics for the Tierrasanta Youth through executing agreements with the Kiwanis Foundation of Tierrasanta.

Date: November 20, 2008 By: Rob Ruscitto  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	392023			9544					\$341,469.40
TOTAL AMOUNT										\$341,469.40

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \_\_\_\_\_

Vendor: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

GEN011		DAILY GENERAL LEDGER TRIAL BALANCE		FY: 09 PG 1	
FUND	ACCT	AS OF 11/20/08		BALANCE	
NO	NO	TITLE	DEBITS	CREDITS	
392023		R.H.-ENDOWMENT COMM.YOUTH			
	8010	CASH IN TREASURY	341,905.30		.00
	817001	ACCRUED INTEREST RECEIVABLE	1,995.89		.00
	8706	DESIGNTD FOR UNREALIZED GAIN	.00		1,994.70
	8950	FUND BALANCE	.00		338,042.57
	89501	FUND BALANCE-ACCRUED INTEREST	.00		2,345.15
	9020	REVENUE	.00		3,862.73
	90202	OPER REV-ACCRUED INTEREST	349.26		.00
	902033	UNREALIZED GAIN	1,994.70		.00
		TOTAL	346,245.15		346,245.15

ALL DATA FOR THIS FUND HAS BEEN DISPLAYED. DEPRESS PF1 TO VIEW NEXT FUND NO.

July 1, 1989. The purchase of equipment and/or the design and installation of the landscaping shall be subject to approval and inspection by City.

(2) **Recycling Center.** Owner shall pay to City Fifty Thousand Dollars (\$50,000) towards the establishment of a community buy-back recycling operation and center as follows:

\$15,000	-	March 1, 1989; and
\$35,000	-	January 1, 1990.

(3) **Entrance Signs.** Owner shall construct prior to January 1, 1990 four (4) "Tierrasanta Community" entrance monument signs for a total cost of approximately Fifty Thousand Dollars (\$50,000). Design, construction and location of the entrance signs shall be subject to inspection and approval by City.

(4) **Endowment for Community Youth.** Owner shall pay to City a sum of One Hundred Fifty Thousand Dollars (\$150,000) in three equal installments as follows:

\$50,000	-	March 1, 1989;
\$50,000	-	January 1, 1990; and
\$50,000	-	July 1, 1990,

to be used for the benefit of current and future youth of the Community. The funds shall be used by City in the Tierrasanta Community to enhance academics and athletics.

(5) **Landscaping of Santo Road and Friars Road.** Owner shall construct and install landscaping on Santo Road and Friars Road. The landscaping will cost approximately Seventy-Five Thousand Dollars (\$75,000). The construction shall commence on or before March 1, 1989 and shall be completed on or before June 30, 1989. The design and construction of the landscaping shall be subject to inspection and approval by City.